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February 3, 2010

Via CM/EFC

Magistrate Judge Charles B. Day
United States District Court for the District of Maryland
Greenbelt Division
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Re: *Beyond Systems, Inc. v. World Avenue USA, LLC, et al.*
Case No. PJM 08 cv 0921
U.S. District Court for Maryland (Southern Division)

Magistrate Judge Day:

Pursuant to Rule 105 (6) of the Local Rules of the District of Maryland, Defendant, World Avenue USA, LLC ("World Avenue") herein requests expedited briefing and a hearing on its Motion to Quash Eighty-Five (85) Unknown Subpoenas.

On December 29, 2009, Plaintiff Beyond Systems, Inc. ("BSI" or "Plaintiff") served a "Notice of Issuance of Subpoenas To Non-Parties" and listed eighty-six non-parties to this action. The Notice stated that BSI "gives notice that subpoenas for the production of documents without depositions will be issued to the persons listed below, requiring the production of documents on January 15, 2010, at the locations indicated in the subpoenas, pursuant to Fed. R. Civ. P. 45." (emphasis added). The Notice only attached a single Subpoena to a single party, Tiggee, LLC (a.k.a. DNSMadeEasy.com). See Exhibit "A". No other Subpoena was attached or has been served on World Avenue since this time. Instead, the Notice indicated that the Subpoenas "will be issued" for a production "at the locations indicated in the subpoenas," again referring only to the one attached Subpoena.

On February 1, 2010, World Avenue became aware that BSI issued Subpoenas not attached to the Notice to an unknown number of the 85 other listed non-parties. BSI never served copies of the said Subpoenas to World Avenue and has refused to provide any clarification of which non-parties have been issued Subpoenas, thus, depriving World Avenue of its right to object meaningfully to the Subpoenas. As set forth in World Avenue's contemporaneously-filed Motion, this is a direct violation of Rule 45, Fed. R. Civ. P.

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*OPERATES AS GREENBERG TRAURIG MAHER LLP
**STRATEGIC ALLIANCE

In its Motion, World Avenue requests the Court quash the 85 *ex parte* Subpoenas issued in violation of the Federal Rules of Civil Procedure and in clear violation of World Avenue's rights. Given the timing involved, and the fact that various recipients of these subpoenas could be complying with them right now, World Avenue respectfully requests an expedited briefing and a hearing next week on its Motion.

Sincerely,



Sanford M. Saunders, Jr.

cc: Michael S. Rothman, Esq.
Stephen Ring, Esq.